

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUN 17 2010

BY D. MARK JONES, CLERK
DEPUTY CLERK

K-TEC, INC.,

Plaintiff,

vs.

VITA-MIX CORPORATION,

Defendant.

VERDICT

Case No. 2:06-CV-108-TC

Instructions: When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to the subject matter covered by each question.

QUESTIONS AND ANSWERS

Based on the evidence at trial and in accordance with the instructions given by the court, We, the Jury, unanimously agree to the answers to the following questions:

1. Has Vita-Mix proved by clear and convincing evidence that the following claims are invalid because they were anticipated:

- | | | |
|--------------------------------|-----------|-------------|
| a. Claim 4 of the '117 Patent: | Yes _____ | No <u>✓</u> |
| b. Claim 1 of the '842 Patent: | Yes _____ | No <u>✓</u> |
| c. Claim 9 of the '842 Patent: | Yes _____ | No <u>✓</u> |

2. Has Vita-Mix proved by clear and convincing evidence that the following claims are invalid because they were obvious:

- | | | |
|--------------------------------|-----------|-------------|
| a. Claim 4 of the '117 Patent: | Yes _____ | No <u>✓</u> |
| b. Claim 1 of the '842 Patent: | Yes _____ | No <u>✓</u> |
| c. Claim 9 of the '842 Patent: | Yes _____ | No <u>✓</u> |

If you answered that each claim is either anticipated, obvious or both under questions 1 and 2, then do not answer the remaining questions. Proceed to sign and date the verdict form and tell the Court Security Officer that you have reached a verdict. However, if you answered "No" for at least one particular claim in both questions 1 and 2, then proceed to answer the remaining questions.

3. Has K-TEC proved by a preponderance of the evidence that Vita-Mix made, used, sold, or offered for sale the MP Container after December 27, 2005?

Yes X No _____

4. What amount of damages, if any, is K-TEC entitled to recover for Vita-Mix's infringement of the two K-TEC patents as a result of Vita-Mix's production, use, or sale of the MP Container and/or the XP Container?

a. Lost profits \$ 8,942,123 ; or, for those infringing XP Container sales for which K-TEC has not proved its entitlement to lost profits, what amount has it proved it is entitled to as a reasonable royalty:

b. Reasonable royalty: Rate 10 %, \$ 2,066,185

5. Has K-TEC proven by clear and convincing evidence that Vita-Mix's conduct was willful?

Yes X No _____

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The foreperson should then sign and date the verdict form in the spaces below and notify the court security officer that you have reached a verdict. The foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: 6/17, 2010


FOREPERSON